

## REMARKS

Applicants gratefully acknowledge the withdrawal of a previous rejection under 35 U.S.C. 112, second paragraph.

Applicants present amendments in which they (1) cancel Claims 10, 12-14 and 19 (thereby traversing the anticipation rejection discussed below) and (2) cancel Claims 4, 7, 17, 18, 21, and 23 and amend Claims 1, 5, 6, 9, 15, and 16 to specify only (+)-isomers of formula (I). Claims 1, 2, 5, 6, 8, 9, 15, and 16 are now pending.

### Rejection under 35 U.S.C. 102

Claims 10, 12, 14, and 19 stand rejected under 35 U.S.C. 102(a), (b), and (e) as being anticipated by U.S. Patent 4,639,268 ("Arotin et al").

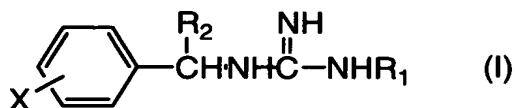
Applicants have canceled Claims 10, 12-14, and 19 and submit that they have therefore traversed this rejection.

### Rejection under 35 U.S.C. 103

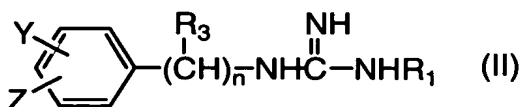
Claims 1, 2, 4-10, 12-19, 21, and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arotin et al. Applicants have canceled Claims 4, 7, 10, 12-14, and 17-19, 21, and 23. Applicants traverse with respect to Claims 1, 2, 5, 6, 8, 9, 15, and 16 as amended.

Applicants have amended their claims to specify the use of only the (+)-isomers of formula (I) in conjunction with thidiazuron, diuron, ethephon, and/or protoporphyrinogen oxidase inhibitor herbicides and optional adjuvants. Applicants respectfully submit that Arotin et al would not lead those skilled in the art to Claims 1, 2, 5, 6, 8, 9, 15, and 16 as amended.

Arotin et al discloses plant defoliants of the following formula (I)



(in which  $R_1$  is  $\text{NO}_2$  or  $\text{CN}$ ;  $R_2$  is  $n\text{-C}_3\text{H}_7$ ,  $\text{CH}_2\text{OCH}_3$ , or  $\text{CH}_2\text{CH}=\text{CH}_2$ ; and  $X$  is hydrogen, ortho-, meta-, or para-fluoro, meta-methoxy, meta-hydroxy, or para-chloro) and of the following formula (II)



(in which  $R_1$  is  $NO_2$  or  $CN$ ;  $R_3$  is allyl,  $CF_3$ , or  $C_1-C_3$  alkyl that is optionally substituted with  $OH$  or  $OCH_3$ ;  $Y$  is hydrogen, halogen, or  $OR_4$ , where  $R_4$  is hydrogen or  $C_1-C_4$  alkyl;  $Z$  is hydrogen, halogen,  $CH_3$ , or  $CF_3$ ; and  $n$  is 0 or 1). E.g., column 2, lines 24-68.

Applicants again note with respect to formula (I) of Arotin et al that group  $R_3$  is limited to  $n-C_3H_7$ ,  $CH_2OCH_3$ , or  $CH_2CH=CH_2$ . Applicants' specified compounds do not include such groups for their corresponding group  $R_2$  (which is limited to  $CH_3$ ,  $C_2H_5$ , or  $CF_3$ ). Applicants therefore submit that only formula (II) of Arotin et al has any possible relevance to the rejection now at issue and maintain that the teachings of Arotin et al with respect to such compounds of formula (II) would not lead those skilled in the art to their claimed invention.

Arotin et al teaches that the defoliants it discloses can be used alone or in combination with other types of defoliants. However, Arotin et al does not teach or suggest combinations of (+)-isomers of compounds of Applicants' formula (I) with the particular narrow group of second active components specified by Applicants and does not teach or suggest that such combinations would exhibit any particularly advantageous properties.

Applicants have provided experimental data in Tables 1 to 3 (pages 13-15) that clearly show that compositions containing the (+)-isomer of 1-( $\alpha$ -ethylbenzyl)-3-nitroguanidine and thidiazuron provide good defoliation even at low application levels. In view of the absence from Arotin et al of any specific disclosure of such mixtures, Applicants submit that Claim 9 – which is specifically directed to the use of (+)-1-( $\alpha$ -ethylbenzyl)-3-nitroguanidine and thidiazuron – is clearly patentable over Arotin et al. Because the other claims at issue are directed to the use of a narrowly defined group of guanidine compounds in conjunction with a very narrowly defined group of second active ingredients, Applicants submit that all of the claims at issue are patentably distinct from Arotin et al.

Applicants therefore respectfully submit that Claims 1, 2, 5, 6, 8, 9, 15, and 16 are not rendered obvious by Arotin et al.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

By Richard E.L. Henderson  
Richard E.L. Henderson  
Attorney for Applicants  
Reg. No. 31,619

Bayer CropScience LP  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3809  
FACSIMILE PHONE NUMBER:  
(412) 777-3902  
s:\shared\kgb\relh3212am